

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MAGDA EISENBERG,

Plaintiff,

Civil Action No.: 08cv1469 (VM)

-against-

NEW ENGLAND MOTOR FREIGHT, INC. &
AUDRAY HEMRAJ,

DECLARATION OF
ERNEST HARDY

Defendants.
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Ernest Hardy, being over the age of majority, hereby declares, pursuant to 28 U.S.C. § 1746, as follows:

1. I am, and have been consistently, in excess of seventeen years, the Vice President of Risk Management for New England Motor Freight, Inc. ("NEMF"), a defendant in the above referenced litigation. I have been employed by NEMF for the past twenty four years. This lawsuit involves a monetary claim for damages allegedly sustained in an accident with one of NEMF's trucks operated at the time by employee and defendant Andre Hemraj (sued as Audry Hemraj).

2. I submit this declaration in opposition to plaintiff's Motion for Remand.

3. NEMF is and has been since prior to the subject accident a federally licensed interstate trucking company with facilities in fourteen (14) States, Canada and Puerto Rico. NEMF is a profit corporation organized and existing under the laws of the State of New Jersey. The corporation was formed over thirty years ago and has been a New Jersey Corporation ever since that time.

4. For at least the past twenty four years NEMF has maintained its principal place of business at 1-71 North Avenue East, Elizabeth, New Jersey 07201, and it is considered its headquarters. The Elizabeth Facility is NEMF's largest truck terminal, in addition to its headquarters, and houses all of its executives, officers and directors, including myself. The Elizabeth Facility controls, directs and coordinates all business activities for NEMF and all of its outlying terminals, including any terminals located in the State of New York.

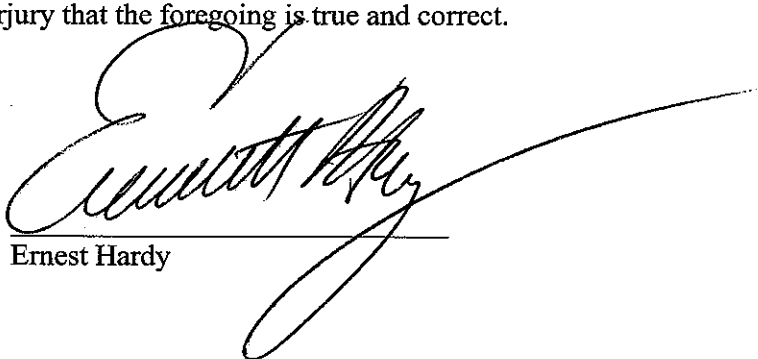
5. No officers, directors or executives maintain offices in the State of New York. All such offices are maintained in Elizabeth, New Jersey.

6. NEMF owns no real property in the State of New York.

7. Andre Hemraj is employed by NEMF in Elizabeth New Jersey and has always reported to work at this location, including the date of the subject accident. The truck involved in the subject accident was provided in Elizabeth, New Jersey to Andre Hemraj for his use in interstate commerce.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 18, 2008



Ernest Hardy